

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))**

Docket No.
17703

In Re Application Of: Maria Cristina Geroni, et al.



| | | | | | |
|-----------------|---------------|------------|--------------|----------------|------------------|
| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
| 10/500,606✓ | June 30, 2004 | Unassigned | 23389 | 1614 | 4724 |

Title:

COMBINED THERAPY AGAINST TUMORS COMPRISING SUBSTITUTED ACRYLOYL DISTAMYCIN DERIVATIVES AND PROTEIN KINASE (SERINE/THREONINE KINASE) INHIBITORS

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

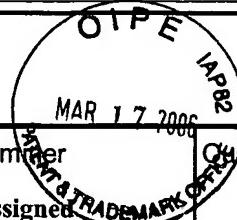
OR

the fee set forth in 37 CFR 1.17(p).

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Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- A check in the amount of _____ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.
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 - Credit any overpayment.
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- Payment by credit card. Form PTO-2038 is attached.

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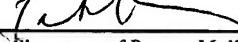
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March 15, 2006

(Date)


Signature of Person Mailing Correspondence

Peter I. Bernstein

Typed or Printed Name of Person Mailing Certificate

Dated: March 15, 2006

Peter I. Bernstein

Registration No. 43,497

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 516-742-4343

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Maria Cristina Geroni, et al. **Examiner:** Unassigned
Serial No.: 10/500,606 **Art Unit:** 1614
Filed: June 30, 2004 **Docket:** 17703
For: COMBINED THERAPY AGAINST TUMORS COMPRISING SUBSTITUTED ACRYLOYL DISTAMYCIN DERIVATIVES AND PROTEIN KINASE (SERINE/THREONINE KINASE) INHIBITORS **Dated:** March 15, 2006

Confirmation No.: 4724

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

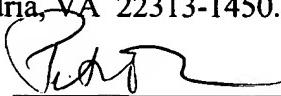
In accordance with 37 C.F.R §§1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. PCT International Publication No. WO 01/97789 A2, published December 27, 2001;
2. PCT International Publication No. WO 01/97790 A2, published December 27, 2001;

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 15, 2006


Peter I. Bernstein

3. Ciomei M. et al., "Decreased Tyrosine Phosphorylation in Tumour Cells Resistant to FCE 24517 (Tallimustine)", *British Journal of Cancer*, 72:1504-1508 (1995);
4. Marchini S. et al., " α -Bromoacryloyl Derivative of Distamycin a (PNU 151807): A New Non-Covalent Minor Groove DNA Binder With Antineoplastic Activity", *British Journal of Cancer*, 80(7):991-997 (1999);
5. García A.R. et al., "Structure and Synthesis of Distamycin A", *Nature*, 203:1064-1065 (1964);
6. Arcamone F.M. et al., "Synthesis, DNA-Binding Properties, and Antitumor Activity of Novel Distamycin Derivatives", *J. Med. Chem.*, 32:774-778 (1989);
7. PCT International Publication No. WO 90/11277, published October 4, 1990;
8. PCT International Publication No. WO 98/04524, published February 5, 1998;
9. PCT International Publication No. WO 98/21202, published May 22, 1998;
10. PCT International Publication No. WO 99/50265, published October 7, 1999;
11. PCT International Publication No. WO 99/50266, published October 7, 1999;
12. PCT International Publication No. WO 01/40181 A1, published June 7, 2001;
13. Druker B.J. et al., "Lessons Learned from the Development of an Abl Tyrosine Kinase Inhibitor for Chronic Myelogenous Leukemia", *The Journal of Clinical Investigation*, 105(1):3-7 (2000); and
14. Arbuck S.G. et al., "New Targets for Cancer Chemotherapy", *Cancer Chemotherapy and Biological Response Modifier Annual 19 Chapter II*, 236-288 (2001).

Reference nos. 1-4 was cited in a Search Report dated April 1, 2003 received from the European Patent Office. Applicants are submitting a copy of the above-cited references. The Search Report was filed on June 30, 2004. The relevance of above-identified reference nos. 1-4 has been described in the Search Report. The relevance of above-identified reference nos. 5-14 has been described in the specification.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(b), no statement or fee is required.

Respectfully submitted,



Peter I. Bernstein
Registration No. 43,497

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PIB:dg

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE
(REV. 7-80) PATENT AND TRADEMARK OFFICE

**LIST OF PRIOR ART
CITED BY APPLICANT**

(Use several sheets if necessary)



Atty. Docket No. (Optional)

17703

Application Number

10/500,606

Applicant(s)

Maria Cristina Geroni, et al.

Filing Date

June 30, 2004

Group Art Unit

1614

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL* | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE (if appropriate) |
|-------------------|----|-----------------|------|------|-------|----------|------------------------------|
| | AA | | | | | | |
| | AB | | | | | | |

FOREIGN PATENT DOCUMENTS

| REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|-----|-----------------|----------|---------|-------|----------|-------------|----|
| | | | | | | YES | NO |
| | WO 01/97789 A2 | 12/27/01 | PCT | | | ✓ | |
| | WO 01/97790 A2 | 12/27/01 | PCT | | | ✓ | |
| | WO 90/11277 | 10/4/90 | PCT | | | ✓ | |
| | WO 98/04524 | 2/5/98 | PCT | | | ✓ | |
| | WO 98/21202 | 5/22/98 | PCT | | | ✓ | |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

| | |
|--|---|
| | Ciomei M. et al., "Decreased Tyrosine Phosphorylation in Tumour Cells Resistant to FCE 24517 (Tallimustine)", <i>British Journal of Cancer</i> , 72:1504-1508 (1995) |
| | Marchini S. et al., "α-Bromoacryloyl Derivative of Distamycin a (PNU 151807): A New Non-Covalent Minor Groove DNA Binder With Antineoplastic Activity", <i>British Journal of Cancer</i> , 80(7):991-997 (1999) |
| | Garcia A.R. et al., "Structure and Synthesis of Distamycin A", <i>Nature</i> , 203:1064-1065 (1964) |

EXAMINER

DATE CONSIDERED

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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(REV. 7-80) PATENT AND TRADEMARK OFFICE

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| | AA | | | | | | |
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|--|-----|-----------------|---------|---------|-------|----------|-------------|----|
| | | | | | | | YES | NO |
| | | WO 99/50265 | 10/7/99 | PCT | | | ✓ | |
| | | WO 99/50266 | 10/7/99 | PCT | | | ✓ | |
| | | WO 01/40181 A1 | 6/7/01 | PCT | | | ✓ | |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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|--|--|---|
| | | Arcamone F.M. et al., "Synthesis, DNA-Binding Properties, and Antitumor Activity of Novel Distamycin Derivatives", <i>J. Med. Chem.</i> , 32:774-778 (1989) |
| | | Druker B.J. et al., "Lessons Learned from the Development of an Abl Tyrosine Kinase Inhibitor for Chronic Myelogenous Leukemia", <i>The Journal of Clinical Investigation</i> , 105(1):3-7 (2000) |
| | | Arbuck S.G. et al., "New Targets for Cancer Chemotherapy", <i>Cancer Chemotherapy and Biological Response Modifier Annual 19 Chapter II</i> , 236-288 (2001) |

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